

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

Case No: 1:17-cv-00019

Sally E. Podrebarac,)	
)	
Plaintiff,)	
)	AFFIDAVIT OF SCOTT K. PORSBORG
vs.)	
)	
Minot State University,)	
)	
Defendant.)	

Scott K. Porsborg, being first dully sworn, deposes and states as follows:

1. I am an attorney duly licensed to practice law in the State of North Dakota and I am admitted to practice before this Court.
2. I am a Special Assistant Attorney General, and attorney for Defendant, Minot State University (“MSU”).
3. This affidavit is submitted in support of the MSU’s *Motion for Summary Judgment*.
4. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff’s Answers to Defendants Interrogatories, dated December 7, 2017.
5. Attached hereto as Exhibit 2 is a true and correct copy of the Transcript of *Deposition of James T. Podrebarac*, taken November 12, 2018.
6. Attached hereto as Exhibit 3 is a true and correct copy of the Transcript of *Deposition of Laura A. Podrebarac*, taken November 12, 2018.
7. Attached hereto as Exhibit 4 is a true and correct copy of the Transcript of

Deposition of Sally E. Podrebarac, taken November 12, 2018.

8. Attached hereto as Exhibit 5 is a true and correct copy of Sally Podrebarac's *Predator Sexual Abuses*.

9. Attached hereto as Exhibit 6 is a true and correct copy of the email communication from James Podrebarac to Mark Boren, dated February 21, 2013

10. Attached hereto as Exhibit 7 is a true and correct copy of the Harassment Complaint from Mr. Latham to MSU, dated April 8, 2013.

11. Attached hereto as Exhibit 8 is a true and correct copy of the letter from Mr. Latham to Ms. Koczon, dated May 6, 2013.

12. Attached hereto as Exhibit 9 is a true and correct copy of MSU Vice President Lenore Koczon's response to Mr. Latham, dated May 15, 2013.

13. Attached hereto as Exhibit 10 is a true and correct copy of the letter from Mr. Latham to Claire Holloway, dated June 24, 2013.

14. Attached hereto as Exhibit 11 is a true and correct copy of MSU's Suspension letter to Dr. Boren, dated June 25, 2013.

15. Attached hereto as Exhibit 12 is a true and correct copy of the letter from Lenore Koczon to Boren acknowledging his resignation, dated August 5, 2013.

16. Attached hereto as Exhibit 13 is a true and correct copy of Minot Police Department's file.

17. Attached hereto as Exhibit 14 is a true and correct copy of Podrebarac's complaint with the U.S. Department of Education Office of Civil Rights ("OCR").

18. Attached hereto as Exhibit 15 is a true and correct copy of the Resolution Agreement between MSU and OCR.

19. Attached hereto as Exhibit 16 is a true and correct copy of OCR's completed investigation, dated July 7, 2016.

20. Attached hereto as Exhibit 17 is a true and correct copy of the letter from Ms. Dooley to Podrebarac, dated August 26, 2016.

21. Attached hereto as Exhibit 18 is a true and correct copy of the Letter from Mr. Langacker to Ms. Dooley, dated September 28, 2016.

22. Attached hereto as Exhibit 19 is a true and correct copy of the letter from Assistant Attorney General Nick Vaughn to Mr. Langacker, dated October 26, 2016.

23. Attached hereto as Exhibit 20 is a true and correct copy of the Letter from Mr. Lackacker to Mr. Vaughn, dated January 24, 2017.

24. Attached hereto as Exhibit 21 is a true and correct copy of the *Transcript of Deposition of Dr. Kenneth Bowles*, taken November 14, 2018.

25. Attached hereto as Exhibit 22 is a true and correct copy of Kenneth Bowles' memorandum, dated July 2, 2013.


26. Attached hereto as Exhibit 23 is a true and correct copy of Kenneth Bowles' letter to Mr. Boren, dated December 10, 2010.

27. Attached hereto as Exhibit 24 is a true and correct copy of Podrebarac's transcript from Northwestern University.

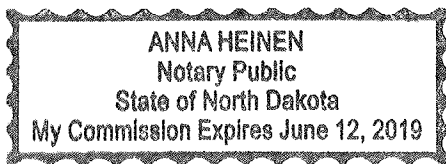
28. Attached hereto as Exhibit 25 is a true and correct copy of the *Transcript of Deposition of Lisa Dooley*, taken November 14, 2018.

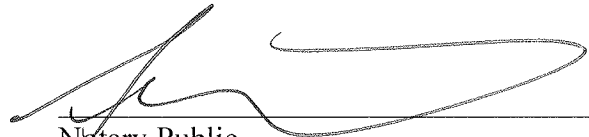
29. Further affiant sayeth not.

Dated this 15th day of March, 2019.

By 
Scott K. Porsborg (ND ID No: 04904)
sporsborg@smithporsborg.com
122 East Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
(701) 258-0630

On this 15th day of March, 2019, before me personally appeared Scott K. Porsborg, known to me to be the person described in the within and foregoing instrument and acknowledged to me that he executed the same.




Notary Public
Burleigh County, North Dakota

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of March, 2019, a true and correct copy of the foregoing **AFFIDAVIT OF SCOTT K. PORSBORG** was filed electronically with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing (NEF) to the following:

Ronald S. Langacker
Attorney at Law
102 E. Main Street, Suite 100
Urbana, IL 61801

By /s/ Scott K. Porsborg
SCOTT K. PORSBORG